



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7411-99

2 March 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 28 May 1982 at age 21. At that time you had completed two years of active service on a prior enlistment. The record shows that prior to the offense for which you received the bad conduct discharge, you were awarded nonjudicial punishment on three occasions. Your offenses were an unauthorized absence of about 18 days, disobedience and sleeping on post.

The record shows that you began a period of unauthorized absence of 11 January 1985 which lasted until 5 March 1985, when you were apprehended by police in the Philippines. A special court-martial convened on 8 October 1985 and convicted you of this 53 day period of unauthorized absence. The court sentenced you to reduction to pay grade E-1, forfeiture of \$300 pay per month for three months, confinement at hard labor for 75 days and a bad conduct discharge. The bad conduct discharge was issued on 22 August 1986.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you have been a good citizen

since discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of the discharge given your conviction by a special court-martial of a lengthy period of unauthorized absence which was terminated by apprehension, and your other misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for veterans' benefits based on your initial three year enlistment of 27 May 1980. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director